IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE JURISDICTION
WRIT PETITION NO.5773 OF 2006

Dara Vinod Gupta ...Petitioner.
V/s.
The State of Maharashtra & Ors. ...Respondents.

Shri G.N.Salunkhe with P.A.Pol for the Petitioner.
Mrs.M.P.Thakur, A.G.P. for the Respondent Nos.1 and 2.
Shri Mukesh V. Aiya for the Respondent No.3.
Shri Hitesh Vyas for the Respondent No.4.

CORAM: B.H.MARLAPALLE &
J.H.BHATIA, JJ.
DATE : 24th November, 2006.

P.C.:

1. In response to the advertisement released by the Respondent-State authorities on 4-6-1998, the petitioner had submitted an application for a license to run a fair-price shop. However, on 30.11.1998, the respondent no.2 decided to follow a reservation policy in favour of the women candidates as set out by the Government Resolution dated 22-4-98 and in the said lucky draw, the Rationing Shop no.1815 came to be reserved for a woman candidate. Petitioner was thus, out of considerations. The Controller of Rationing had rejected initially the claims of the respondent nos.3 and 4. Petitioner and others had approached this Court in a group of writ petitions challenging the reservation in favour of the women. The petitions were decided on 3-3-03 by the Division Bench of this Court. The said order does not interfere with the reservations of 30%

for women candidates but it only states that where candidates of reserved categories were not available, the rationing shop authorisation shall be as per the provisions of Clause 3(B) of Maharashtra Rationing Order, 1966.

2. Subsequently, all the applications were considered afresh. But the present Respondent No.3 could not produce a proof that she was in possession of a suitable premise and, therefore, her application was rejected by the licensing authority. She filed a revision before the Hon'ble Minister for Civil Supplies and the revision was allowed by granting her time of six months to obtain premises and within this period of six months, she could not comply with the said condition. Her claim was again rejected by the licensing authority which gave rise to the second revision before the Hon'ble Minister and when this revision came to be decided, she was in possession of the premises and this order dated 4-8-06 is under challenge before us.

3. We have heard the learned counsel appearing for the petitioner and the learned counsel appearing for the respondents and we are satisfied that by giving some leverage to the women candidates for whom the concerned

shop was reserved, the revisional authority did not commit any illegality and in any case, when the impugned order dated 4-8-06 was passed, the respondent no.3 was in possession of required premises. The present petitioner was not qualified for being considered for allotment of shop which was otherwise reserved for a woman, and, therefore, we do not find any reason to entertain this petition and the same is hereby rejected summarily.

(J.H.BHATIA,J.) (B.H.MARLAPALLE,J.)